

Town of Weare
ZONING BOARD OF ADJUSTMENT
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**ZONING BOARD OF ADJUSTMENT
MINUTES
Tuesday December 7, 2010
FINAL COPY**

PRESENT: Jack Dearborn, Chairman; Forrest Esenwine, Member; June Purington, Member; Neal Kurk, Alternate; Malcolm Wright, Alternate, Chip Meany, Code Enforcement Officer; Sheila Savaria, Recording Secretary.

GUESTS: Ginger Esenwine, Kevin Booker, Reggie Houle, Robin Houle, Jason Houle

I. INTRODUCTION:

Chairman Jack Dearborn called this meeting to order at 7:31 PM and asked the board members present to introduce themselves. Chairman Dearborn explained to those present the way by which the board conducts business, and appointed Neal Kurk and Malcolm Wright as voting members for the evening.

II. ADMINISTRATIVE ITEMS:

There is an open member spot on the board, and Elwood Stagakis and Malcolm Wright want to move up to a permanent position. Chairman Dearborn took a vote by ballot; Neal Kurk chose not to vote because he does not feel a board should vote their own successors. Chip Meany counted the votes, there were 3 for Malcolm Wright, and 2 abstentions. The board will recommend to the Selectmen to elevate Malcolm Wright to full status as a member, and they will request an additional alternate to fill the vacancy.

III. PUBLIC HEARINGS:

Case #1210 Robin Houle
Special Exception Article 19, Section 1.8
The applicant is requesting a Special Exception to operate a day care center in excess of four children at 1111 South Stark Highway, aka Dimitri's Plaza
Tax Map 108-33

Forrest Esenwine moved to accept the application as complete, June Purington seconded the motion.

Discussion: Forrest Esenwine feels the application is faulty, and it should not be accepted for several reasons; There is not proper written authorization, there is no site plan, just a drawing; there is no location shown, the overall size, driveways, parking, and current structures, all of which is necessary for the board to make a decision. Neal Kurk said that it is signed, and it is not a site plan review, so Mr. Esenwine's concerns are not necessary. Mr. Esenwine responded by saying he feels that is necessary, and he feels the drawing of the layout is not neat or to scale, and the plan does not show any indication of location, driveway, or play area. Mr. Esenwine feels the board should not have to assume all of the missing information, the application should be presented as required. Malcolm Wright agrees with Mr. Esenwine, and said he is not comfortable with this application and the lack of information. Chairman Dearborn, Neal Kurk, and June Purington voted in favor, Forrest Esenwine and Malcolm Wright were opposed. The case will be heard.

The issue of adequate parking for the number of children the applicants expect to have at the facility was discussed by the board and Robin and Reggie Houle, the applicants, who are proposing 18 children, with a possible addition of 13 in the future. Reggie Houle says the parking is grandfathered, and Robin Houle said the place they are renting had plenty of spots when it was a karate facility previously. Chairman Dearborn said

there is no known special exception for the parking, and he needs to know that there is adequate parking to support the facility with the number of children they wish to have at the daycare. Chairman Dearborn explained to the applicants that he feels they have not thought this through in terms of parking, and should perhaps fill the application out more completely, and come back next month with more information for the board.

Forrest Esenwine moved to continue case #1210; Malcolm Wright seconded, all voted in favor.

Case #1310 Kevin A. & Deborah A. Booker
Special Exception Article 19 section 1.10
The applicant wishes to build a "Mother in Law" apartment
Tax map 409-72 941 River Road

Forrest Esenwine moved to accept the application as complete; June Purington seconded. Discussion: Forrest Esenwine feels the board should have received a location map, instead they only received a tax map with no orientation on it. All members voted in favor, and the board proceeded with the application.

Kevin Booker explained to the board that he wishes to build an addition with a mudroom and a garage with a room above it. The dwelling will total 644 square feet, which does not include the deck, mudroom, or the garage. This is under the maximum square footage allowed by the board for this type of use, which is 650 square feet. There is an escape route for the occupant of the apartment through sliding doors, and down a set of stairs. Mr. Booker understands that the siding on the addition needs to match the current house. There was some concern from the board that the occupant will be entering through the existing house, or independently. Mr. Booker read his answers to the questions on the application:

1. The specific site is an appropriate location because it is in a residential area and he will not be adding a second driveway.
2. In his opinion, the property will increase in value, and will not adversely affect the neighborhood.
3. The proposed use will not be a nuisance because the person who will be living in the proposed apartment will only have one car, and there will be no additional driveways.
4. There will be no undue burden on the town because there will be just one elderly lady in the apartment.
5. There will be an ample amount of parking at the property. There is parking currently for 6-7 vehicles, and adding the garage will fit 2 more vehicles.
6. There is an ample amount of trees between each neighbor as a buffer, but Mr. Booker offered to put up a fence if necessary.

As there were no abutters present, Chairman Dearborn closed the hearing at 9:00pm

Forrest Esenwine moved to grant the special exception; June Purington seconded. Discussion: There was a discussion about whether the proposed apartment is incidental, and Neal Kurk proposed the following condition should be met, "There is at least a 48" permanent opening between the existing house and mudroom that cannot have doors so it is a permanent pass through". With that condition met, the house will be opened in a way that the accessory apartment is incidental to it. All members voted in favor of the motion with the condition. The conditions for the special exception will be added to the property card for this property so any future buyers would know that they cannot put doors in the opening.

IV. OTHER BUSINESS:

Minutes: Forrest Esenwine moved to accept the November 2 minutes, as distributed; June Purington seconded, all voted in favor.

V. ADJOURNMENT: As there was no other business to come before the board, June Purington moved to adjourn at 9:20 pm; Forrest Esenwine seconded, all voted in favor.

Respectfully Submitted,

Sheila Savaria
Recording Secretary